

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROBERT EARL COUNCIL,)	
)	
Plaintiff,)	
)	
v.)	CIVIL CASE NO. 2:23-cv-658-ECM
)	
COMMISSIONER JOHN HAMM, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On December 6, 2023, six days after the Court held an evidentiary hearing on the Plaintiff's motion for preliminary injunction, the Plaintiff filed a motion (doc. 45) stylized as a motion for expedited discovery. However, the motion's true nature is that of a motion to compel. Specifically, the Plaintiff's motion requests that the Court enter an order compelling the Defendants to produce two pieces of evidence: (1) email(s) that Defendant William Streeter received regarding a social media video depicting the Plaintiff which "precipitated" an incident on October 15, 2023 at the Plaintiff's cell; and (2) video footage of this October 15, 2023 incident. (*Id.* at 1). Moreover, the Plaintiff requests the production of these items by December 12, 2023 (*id.* at 4), which is less than a week after the filing of the instant motion.

Rule 34 of the Federal of Rules of Civil Procedure contemplates a process by which parties can propound discovery requests for documents or electronically stored information and the other side may either respond or object to such requests. Then, after the process outlined in Rule 34 has played out and the parties have conferred, Rule 37 permits a party

to file a motion to compel with the appropriate court. Here, instead of requesting the opening of limited discovery, the Plaintiff invites the Court to short circuit the normal discovery process by skipping straight to the motion to compel. The Court respectfully declines this invitation. Further, the Plaintiff has not shown why the requested items are necessary for the Court's determination regarding the motion for preliminary injunction. Accordingly, the Court finds no good cause for the extraordinary relief sought by the Plaintiff and it is

ORDERED that the Plaintiff's motion (doc. 45) is DENIED.

DONE this 7th day of December, 2023.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE